

The Judges Charge;

A SERM

BEFORE

M. Justice Hale, and M. Sergeant

Judges of Assize,

At St. Mary-Overy in Southwark,

Martii 22. 1658.

As also setting forth

The Necessity of MAGISTRACY, For the Weal of a People.

WITH

A serious Item and Admonition to all unruly Spirits, that despise Dominion, and resist the Ordinance of GOD.

By Rich: Parr, M.A. sometimes Fellow of Exeter-Colledge in Oxford, now Pastor of Camerwel in the County of Surry.

So speak ye, and so do, as they that shall be judged by the law of liberty, Jam. 2.12.

For God shall bring every work into judgement, with every secret thing, whether it be good, or whether it be evil.

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To the High-Sheriff
O F
The County of *Surry*,
T H O M A S W A L K E R
Of *Camerwel, Esq;*

SIR,

His Sermon was preached
at your request, and having
performed it, as I was a
ble, and as suitable to the
occasion as I could think
on: afterward you thought it not unfit
to be made a little more publick by Print-
ing; and your demands, with others that

A 2. heard

heard it, have at last prevailed with me thus to send it abroad, though very much besides my inclination and resolution.

The Subject of this Discourse, for the main, appertains to an Assize-business, fitted for, and applied to those Persons concerned in and about that Court of Judicature: and in truth, observing the great neglect of most Men, as to the faithfulness of performance, though under an Oath to do all things justly and honestly, I laboured to convince Men of, and persuade Men to their Duty as they fear God, and must give an account one day, how they have acted in their several Places; and lest Men (otherwise of honest Principles) might err for want of Direction in many Points, I made it much of my Task to inform them from God's Word: and if this Sermon fall into

into their hands, and they will read it with as sincere intention as I preached it, it may serve them to some purpose.

Besides, there are some Passages in it by way of Corollary, which are very seasonable for these Times, to be considered, while that Anti-Magistratical Spirit is up, which so much thwarts the Peace of a Nation and Scripture-Command.

And if any thing in this Sermon hath had, or hereafter may have any influence upon the Hearers or Readers, and it serve either for Caution or Direction, I have all I aim at.

Meantime, I hope I may not lie under the censure of any that fear God, for what I have done this way, seeing I am not guilty of Flattery, Temporizing or Curiosity: if any thing offend, it will be my plainness, (for my manner is to be
so)

so) and if I am (as 'tis very often my
lot) more bold then welcome, as long as
'tis for God and Reformation, I can bear
it well enough: and this Sermon had the
hap to be thought so.

Besides, I have no Temptation to be-
lieve I shall get any worldly advantage by
this Sermons printing, nor any other that
expos'd it, because of the Subject treated
on: and sure, it cannot be thought a de-
sirable Preferment, to go in the crowd
with so many, too many Pamphlets that
are printed to little purpose, and this must
fare as they do, for ought I know. And I
think the Stationers-stall is no such throne
of Honour, that Men should be ambi-
tious to let their Names lie there: But
fare it as it may with Many, yet if Any
may get some good by it, I can bear the
rest.

And now, Sir, you must own it: for
on

on your account it was preached, and on
yours and others printed. And if it were
Truth and Good when delivered, ^{it is so} still : and seeing you were one of them
that took up your part of it to practice,
as you did effectually, and were not at a
shame and scorne, to follow the Exhorta-
tion, which had so much of Charity in it :
And the Reverend Judges were pleased to
own what was given them too, in their pra-
ctise, for that Session : and that it may be a
Memento to all that fear God, and in com-
mission within any County, to act toward
a reformation, as to those many abuses up
and down among us, much to the dishonour
of God ; specified in the close of this Dis-
course, of which I would minde them a-
gain. Upon those Considerations, I yield
to let it pass abroad ; and I think in respect
of your place, your compliance with the
Truths

Truths delivered, and Obligation of
Friendship, you are the Person fitted for
this Dedication, from

SIR,

Camerwel, Your Pastor, Friend; and for
May 6. my Dear Lord and Master
1658. Christ, your Servant,

Richard Parr.

The Text.

2 Chron. 19. 6, 7.

6. And said unto the Judges, Take heed what ye do: for ye judge not for man, but for the Lord, who is with you in the judgement.

7. Wherefore now let the fear of the Lord be upon you, take heed and do it: for there is no iniquity with the Lord our God, nor respect of persons, nor taking of gifts.

See you have in this Chapter, a Model of good Government, and a Systeme of an Assize-Court, both for persons that are to act, and things that are to be determined in this Court of Judicature.

I. You have God the Supreme King and Law-Giver, in whose Name all just Laws run, and by whose Command all good Laws must be executed justly for his Honour.

2. You have likewise mention made of *Jehosaphat*, an upright man (for the main) and religious King, next under God Supreme over *Judah*, v. 1.

B

who was (as all good Kings should be) very circumspect at this time, and careful about reformation of what was amiss both in Church and State; and in it, he had an eye to God's Honour, and the peoples good, both for Body and Soul : see v.4.

3. And because the burthen was great, too great for one Man to bear well, and the Abuses to be reformed many; he chose certain Men, Men of wisdom and integrity, to put good Laws in execution; and these are called Judges, v. 5. persons entrusted under him, the King, with the Administration of State-affairs; to whom he gives strict charge, in the Name of God, to execute true justice, to advance to the utmost of their power, the honour of God, and weal of the State, in subordination to God, without any respect of persons, but only to God, as v. 5. *And he set Judges in the land, throughout all the fenced cities of Judah, city by city.*

4. There is mention made of other Officers who are appointed to serve the designe of Reformation and justice, which were to wait on this business, v. 11. *All the Levites shall be officers before you.* So much for the persons that are to rule in a good State, and to execute justice.

II. Secondly, you have the matters which are to be enquired into, and determined in and by this Court of Judicature.

1. Matters of civil controversie between man and man, doubtful and disputable, about Ticles, Bargains and Contracts, which are brought to the Court, not yet determined or agreed on. And this I take to be the business of your Court of *Nisi prius*, v.8.

2. Mat-

2. Matters Criminal, of higher Misdemeanors, Murders and Felonies, Treasons or Blasphemies : and this seems to be the concernment of that Court of Life and Death, u. 10. *between blood and blood.*

And the same all-knowing righteous God sits over both Benches, and is with you in the judgement of each person and cause. This is an High Court of justice, and we need no other Court of High-justice.

3. Then thirdly, there is another busines for the Judges to do at this Court, to receive complaints of Grievances, and to see them redressed, and to look to the standing-Magistracy of the respective places where such are to be reformed, to execute the Laws in such cases provided for the weal of the Publick : see u. 10. *We shall even warn them that they trespass not, &c.*

And this may likewise include the Judges charge to the grand Inquest about Presentments and about Oaths, and to Deponents and Witnesses, that they trespass not by connivances or false accusations, and false witnessing in any of the matters before them in the judgement : for as your charge is strict, so should you give a strict charge to others ; for it concerns you, as you shall hear anon.

And so you have the Analysis or Resolution of this Chapter, at least so much as concerns the Judges commission, place and office, and the matters that fall under their Judicature.

Secondly, We come next, and now, to the Text, The King's charge to the Judges concerning those

weighty matters before them to be judged and determined.

I. Wherein you may observe,

1. The Person charging or instructing, and it is *Jehosaphat*, he that was King of *Judah*, a good Prince, and one that feared God, and loved his Subjects, and would have justice done in all his Dominions.

II. 2. The Persons charged, and they are the Judges whom he had appointed to circuit from City to City to hear and determine Causes, and to execute the Laws, *pro bono publico*, intending by them a thorough Reformation. For what else were good Laws made, if not to be executed? and what else is a Magistrate in his Administration, but *Lex loquens*, one that must give life to the Law, which otherwise would be but a dead Letter?

III. 3. The charge it self, about the Administration of Justice, and Determination of Causes, and doing Right to every one; which Charge consists of three particulars, with the Reasons to the enforcement of the duty, which he gives them with a serious Caution and Command.

And in naming them, we shall give you (to prevent another labour, for brevity) the fuller sense and meaning of the words from the Original, to make our Inference complete, and Application home.

I. About the matters you are to determine, and must pass your judgement, *Videte quid vos facientes*: the Hebrew Text, Look what you are a doing. *Quid sitis faciunt*: so *Tramelum*: Take heed to what you

תְּמֵלֵם

you are about. The Syriack hath it thus, fully: *Videte quid agatis, fortes estote, & decernite judicium verum: Take heed, and decree just and true judgement with zeal and courage.*

And these together make the first Duty to consist in this: That in the trying of **Caules**, you consider heedfully the Question: observe your Rule you are to judge by; search after the truth, which lies deep, take pains to sift it: mark well the proofs, understand the cause, use your judgement and wisdom in discussing the point, search out by trial: *Take heed to what you are about.*

It is not an easie matter to be a just Judge or Determiner of intricate things; considering how many actors and advocates, that are subtil and crafty on either side in very many Causes that come before you. *Deal couragiouly.* Take heed you do no wrong. This is the first cautionary counsel.

2. About the Sentence which must proceed from you to end the controversie, according to the intent of the Law.

When you have found out the truth, and discern what is to be done in the case, cease not to apply the Rule, deliver the Law impartially: which is the second Injunction in the charge, *Take heed, and do it. Custodite, keep the rule and truth together: facites, do it: fortes estote, be ye valiant and resolute; fear not to do Justice: Observe & facite, serve and do it: so the Septuagint.* Judges must be very wise, and very valiant, that they may administer true Justice impartially.

consilium praecedit opus, ne absurdia sententia quantur.

This was that which **Solomon** begged of **God**, 1 King. 3. 9, 18.

Iniquitas est ab equitate regula in alterum parum declinatio. Ofor. de Just.

*שׁמְרֵ וְפָשֵׁן
equitatem &
minimam, Sepr.
Justum esse fa-
cile est cui va-
cuas peccatum me-
tm. Sen.*

3. The

3. The Caution for prevention or interruption in the manner and matter of executing just judgement : 1. Respect no mans person. 2. Take no mans bribe ; let no man daunt you ; no gitt corrupt you ; no friend byas you : *Qui induit personam judicis, exiit amici*, Cicer. For, Deut. 16. 19. a gift doth blinde the eyes of the wise, and pervert the words of the righteous.

Libertatem arguendi amittit qui ab eo accipit qui ideo dat ne corrigitur,
Ambros.

III. I.

4. The Reasons to enforce this Charge, and to set it home on the conscience, that they may be careful in the matter of judgement, and faithful in the manner of executing Justice impartially, and with undyassed and undaunted resolution ; and they are four, all referring to the great, holy and just GOD, which the King presumes they fear.

1. The Judgement you pass is for or against the Lord, as it is right or wrong : the matter concerns man, but the justice concerns God. Truth is God's Cause, which he would have maintained.

2. God is with you in the judgement, and in the matter ye judge, and in the sentence ye give : with you, 1. with his presence of intuition ; sees what you do : 2. with his presence of protection and approbation in your Justice doing : 3. or, with his presence of correction, to punish and judge the Judges, if corrupt or negligent.

3. God is your King and Judge, and also your Pattern, which you must follow in this : He cannot be bribed to do unjustly, nor flattered or awed into partiality ; neither must you : if you will approve your selves to God in the business, you must not let Justice fall through fear, or sell it for gain : neither care-

careless, coward or covetous can be a good Judge.

4. As you fear the Lord, as his dread is upon you, or as you love and honour him, if you would have any favour from him, if you would approve your selves to him; *Take heed and do it, let the fear of the Lord be upon you.* Dare not to do wrong to any, dare not but do Justice to all; if you fear God, you need not fear man.

"Tis true, I read of one Judge (but I finde not his Christen-name) that feared not God, but his Sir-name was *Unjust*, --- *Hear what the unjust judge saith*, Luk. 18. 2, 6. He that fears not God, nor regards what wrong he doth to man, he will surely be unjust for any advantage; but he that fears God, dares not be unjust.

And truely except you fear God, it will be but a sorry relief poor innocent and wronged ones will finde, by going to Law before the unjust, 1 Cor. 6. 1. *Dare any of you having a matter against another, go to law before the unjust?* They had better take wrong at home, then come so far, and pay so dearly for it. But as you fear the Lord, so do that which is just: which is the fourth Argument in the Text.

And thus you have the parcels of the Text laid together, which here make up the indispensible duty of the Judges to perform strictly, according to the rule and direction. In it ye have the *Quid fieri debet*, and the *Quod factum valer*, for the discharge of a good conscience in this Office and imployment. And this being followed according to the Rule, whatever the success may be, *tanta fave populi*, in times of so great corruption, yet let Judges and all

in commission, discharge their duty faithfully, and they shall have an *Euge* from the Lord, *well done good and faithful servant.*

And by this title you finde, that this Text is that good Law which *Solon* never knew, when he complained, *That there wanted one good Law, to make us put all the good Laws made into execution.*

And a more full and authentick Law then this of the Text, for that purpose, cannot be made or found. Here is a Rule by which you must walk; here is a Judge which will judge you, if you judge not aright: then *so judge ye, and speak, as those that shall be judged by the Law,* Jam. 2.12. and your Pattern you have; not a careless *Gallio*, nor a fearful, man-pleasing, bribe-expecting *Fælix*, nor yet an injurious *Ananias*, a whitened wall: but the Sovereign just Judge, the great God over all, who is to be your Pattern, and him you are to have still in your eye.

So have I done with that part of the Discourse which is for illustration of the sense and meaning of the words, to make way for the inference and Observations.

Now before we come to the more proper Conclusion for this occasion, it may be fit to minde you of something from the scope and coherence, which may somewhat contribute to rectifie some extravagancies, which if not reduced and allayed in time, may bring confusion upon the whole frame.

There is an Anti-Magistratical Spirit up, and it makes a great noise; which may be checked by this truth, if men will yield to truth: *That*

That Magistracy is an appointment of God, for the good
of his people; it is his Ordinance.

Doct. 1.

This is easily proved, if Scripture and Experience may be taken for currant testimony: and this very Chapter makes it cleer: here is *Jehosaphat* the King, and the Judges, with other Officers; and these over the people of *Juda*, which was the tribe of his peculiar choice; of which Christ himself came after the flesh, from *David*, through the Line of *Jehosaphat*.

Psal. 13. 68.

And if we look back on the times before this, we finde Judges of Gods appointment: the last of that kinde of Government, under the name of Judges, as Supreme, was *Samuel*, whom God appointed to rule the people: and as good as he was, though he settled the Church, and kept the Commonwealth in quiet, kept his yearly Assize in *Bethel*, *Gilgal* and *Mizpeh*, besides his deciding causes at home in *Ramah*; yet the inconstant fickle Many were weary of him and his rule: but God was angry with them, and laid this to their charge, that they had rejected not *Samuel*, but the Lord; 1 Sam. 8.7. that he should not reign over them: and although he was angry with them for their rebellion, yet gave he them a King to rule: but when their wickedness had enraged his anger to wrath, he took away their King, as you may find, Hos. 13.11. *I gave them a King in mine anger, but I was wrath when I took him away, I took him away in my wrath.* And when Government ceased, men did that which was right in their own eyes, and set up false Gods, and false worshippings, and offered violence one to another; no man was

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safe

safe, meeting with a stronger then himself ; then violence and confusion prevailed : they were ruled by no Laws but that of their own wills ; for *in those days there was no king in Israel*, and then Gods wrath was up. But when the Lord intends a mercy and a blessing to a people, hear what he saith, *I will restore the judges as at the first* ; and upon the account of mercy and favour : That God set up *David*, and after him his Son *Solomon*, and gave them Honour, Rule and Wisdom, because *God loved Israel*.

Was not *Corah's* rebellion against *Moses* and *Aaron*, their Governors, disowned of God ? and were they not punished with a death which was not common ? did not the earth gape and swallow them ? and gave them that quick passage to Hell, in the heat of their rebellion ? and is not that a terrible example for all of their spirits ?

The Hebrews have a Proverb, *Migrandum est ex eo loco in quo Rex non timetur*: People that fear a judgement from the Lord, should make haste from that place where the King is not reverenced and obeyed, because God will punish rebellion with some fearful judgement : Ruine is the child of Resistance of God's Ordinance first or last, and mischief puts a period to the lives and designs of mischievous men.

But lest Old-testament-proofs may seem with some of lesser authority, see what is in the New-testament : that of St. *Paul* to the *Romans*, *Rom. 13. 1,2,3,4*. How readest thou there ? doth not St. *Paul*, one that had the Spirit of Christ, and knowledge of his Will, write this by way of command, as well as prudential direction or counsel, *Let every soul be subject*

Judg. 17. 6.
Judg. 21. 25.

Isa. 1. 36.

2 Chron. 9. 8.

Numb. 16. com-
pared with cap.
27. 25.

jet unto the higher powers ; let no man exempt himself *πάνταν πολιτείαν*
 as free from subjection : and he gives the Reason *τούτου τοῦ*
 or Argument in the following words, to oblige the *πάνταν πολιτείαν*
 conscience to this Duty : *for there is no power but of* *τούτην πολιτείαν*
God ; the powers that be, are ordained of God. God hath *πανταν πολιτείαν*
 appointed some to rule, and some to be ruled. *Whoso-*
soever therefore resisteth the power, resisteth the ordinance *τάντος τοῦ*
of God ; and they that resist, shall receive to themselves *παντούντων*
damnation, v. 2. The same Apostle to *Titus*, gives *Tit. 3. 1.*
 this in charge, *Put them in minde to be subject to princi-* *πατερεψχεντούς.*
palties, to obey Magistrates, &c.

It is true, we know Magistracy is distasteful to the proud and ungodly world, because it keeps mens lusts from raging, and binds the hands from doing mischief. And sure no man can be against Magistracy and good Order, but he that would be subject to no Law of God : and how can he be a good man then ? are they not called by St. *Jude* v. 8. *Filthy dreamers, that despise dominion, and speak evil of dignities ?* Exod. 22. 28. *Thou shalt not revile nor curse the ruler of thy people.* The Apostle *Peter*, another of Christ's Followers, gives the same thing in command : *Submit your selves to every ordinance of man for the Lords sake, whether to the king as supreme, or unto governors, as unto them sent by him for the punishment of evil doers, and the praise of them that do well : for so is the will of God,* v. 15. This then is not commanded, as though the ordinance of Government were of mans invention, but of Gods appointments to be managed by men, such as are appointed to this Rule and Office, to punish evil doers as God hath ordained, and cherish and prote^tt those that do well. This is the end of Magistracy.

Psal. 11.5. The Anti-Magistratrical Spirit then must not be owned of God, nor can be secured by Scripture. *If the foundations be destroyed, what can the righteous do?*

But we must wave this point as to further prosecution, and take up one of more immediate result from the Text: and it is this:

Doct. 2. *That if Judges mean to discharge their duty well, and approve themselves to God, it must be their care to judge rightly, and administer justice impartially, without regard to man, as to what he is, or what he gives.*

This is God's Charge to Judges, and thus good Judges must do in discharge of their Duty, if they fear God. This Inference lies close in the Text, which renders this Doctrine Divinity, and a ruled-case for Judges, as a Principle of their Religion, and Rule for their Practice.

Mat. 18.16.

And it were enough to quote the Text for proof: but because you proceed secundum allegata & probata, and out of the mouth of two or three witnesses every word shall be established, as saith our Saviour; take two or three more proof for this: *Deut. 16.18, 19, 20.* there Judges are set their business: *They shall judge*

Si vix Tribunum the people with just judgement: thou shalt not wrest judgement: *imo si vix* thou shalt not respect persons, neither take a gift; for *trahere manus* a gift doth blind the eyes of the wise. *mitum coni-* That which is altogether. *Valer.* *ther just shalt thou follow, that thou mayst live.* *So Levit.* *Imp. Epist. ad* *19.15.* *I.e. shall do no unrighteousness in judgement.* Thou shalt not respect the person of the poor, nor honour the person of the mighty: *but in righteousness* shalt thou judge thy neighbour. The merit of the Cause must be taken up, and not the Person, either poor or rich; pity and respect must be laid aside in this matter: a poor man must.

must not be upheld in a wrong Cause, nor a rich great man regarded for his gay clothing or Gold-Ring; but justice must be done to each, as their ^{James 2.2,3,4.} Case is, or else there is partiality, which is forbidden: for, *he that justifieth the wicked, poor or rich, or condemneth the righteous, small or great, are both alike abomination to the Lord, Prov. 17.15.* See in Job the character of a just Judge, and his manner, *Job 29.14,15,16.* *I put on righteousness, and it clothed me: my judgement was as a robe and a diadem: I was eyes to the blind, and feet to the lame: I was a father to the poor, and the cause which I knew not, I searched out: And I brake the jaws of the wicked, and plucked the spoil out of his teeth.* And again, in that of *Deut. 19.15,16.* concerning the Judge, how he must deal in a case of witnesshing: *At the mouth of two witnesses, or at the mouth of three, shall the matter be established. And the men between whom the controversie is, shall stand before the Lord, before the priests and the judges, and the judges shall make inquisition; and thine eye shall not pity, but life shall go for life, eye for eye, hand for hand, and foot for foot, v.21.* So see your apportionment, and to what you are to heed, *Rom. 13.3,4.* *To be a terror to evil works, and to encourage the good:* and they must not bear the sword of Magistracy in vain; but distribute to every own his due, as his works are found to be.

And thus you have some few of those many Directions which are given to Rulers up and down in the Word of God.

But would you consider a little, the Reasons why Judges ought to be circumspect and inquisitive in

to Causes for Trial, and to be courageous in the impartial Sentence? Besides the Reasons in the Text, (which prevail with all men fearing God) there are some farther Considerations, which may make you more circumspect about the matters you are to judge, and the Sentence you are to pass.

I.

Eccles. 8. 2.

1. In respect of the Oath of God which you have taken your selves; and it is (you know) to execute the Laws justly to the best of your skill: therefore must you use the best of your skill, to finde out the truth and justness of the cause, because of the Oath ye have taken. *Good men fear an oath,*

II.
2Chron.9.8.

Psal. 82.6.

2. In respect of your Places and Office: you are chosen out for this purpose, as men of wisdom and skill, yea, men of integrity, to do right to all, and wrong to none. You are taken as it were into Gods Throne, and to supply the place, and do Gods work with men; and you are called *petty-gods*; therefore must you do your utmost, and be diligent to search out the truth: *for cursed is he that doth the work of the Lord negligently or deceitfully, Jer.48.10.* Had you not need be circumspect then?

III.

2 King. 8.22.

3. In respect of the Causes that come before you to be determined justly, *they are many* of them matters of high concernment; some of them of life and death, and matters of making or undoing of men, as to their outwards.

And the truth lies deep, and the points nice which are controverted Causes, not unlike for obscurity to that brought before *Solomon*, about the living child, laid claim unto by two mothers at once, stiffly pleading each their interest in the child; but of right

it

it belonged but to one of the two ; and if care and wisdom had not been used , the right might have suffered wrong. Now with you 'tis much alike, and oftentimes as *Seneca* speaks , *Involuta veritas in alto lateat.*

Had you not need therefore to be very cautious and diligent in your Inquisition, lest you do wrong to whom you ought to do right ? for as *Austin* saith of ignorance in a Judge, so may we say of the carelessness of a Judge, *Negligentia Judicis calamitas innocentis est.*

4. Lastly, in respect of the persons you have to deal withal, you had need take care & courage too, both to find out the truth , and execute the Laws. And indeed you will finde , that all men have not faith, (i.e.) they are not men of truth and honesty, not ordinary morality : you may not readily believe all reports , nor take upon trust without your own search , nor rely upon their own words , nor own many men, though they swear to it :

1. For there are some Right Worshipful, Oppressors ; and Gentlemen, criminous : some that would have *Naboth* 's Vineyard , or his Life ; and have wit and money enough to make the best of a bad matter, and will speak big words , and would fain awe the Judge , to make him judge according to their tale and interest. You had need of care and courage, seeing some men are such.

2. There are Advocates which plead before you, and they have art and tongue enough for their Clients, and an hand for a Fee, right or wrong, and are able to make the best of a bad matter , or so to entangle

III.

Prov.18.5,7.

tangle the truth, or hide it, that 'twill require wisdom indeed, to finde out the fallacy : for of such Sophists may be said, as *Prudentius* in his time in his *Hymn against Infidels*,

Prud. Hymn
Infidelis.

*Solvunt ligantq; questionum vincula
Per syllogismos pletiles ;
Fidem minutis dissecant ambagibus,
Ut quisq; lingua nequior.*

3. There are Witnesses, and upon Oath. I should not name an Oath, nor you hear of it without trembling : because of oaths the land mourns ; not onely vain, but fallacious also. Yet you (my Lords) know, that there are Knights of the Post abroad, and no doubt you have in your observations discovered how far *fear* or *respect*, *malice* or *reward*, will prevail with the ungodly Vulgar to bear false witness, and stand to it too. Had you not need to be circumspect then, because of such whose consciences are Iron, and whose brows are Brass ?

*Non solum ille
reus est qui sal-
sum de aliquo
proficit ; sed &
si qui citid au-
rem criminibus
praber. Ibid.
lib. 3. de sum-
mo bono.*

Jury-men.

4. There are some likewise which have a great part in the transactions of *Causes*, which should be men of steady heads and honest hearts, and under an Oath too they are all. But, alas ! how often do you finde them abominably deceived, or wilfully mistaken, or tamely led by a *Fore-man*, and basely byassed by some *Quint-eyed respect*, *fear* or *affection* ? In as much, that you have cause to say, *The united many are deceived as well as the divided unity*. And alas, among all these, how, but too often, is the good truth tortured, and judgement wrested ? and will be still, if you (the Judges) take not very great

great care to relieve it. Take heed therefore: for you need be circumspect in that respect also.

And so have I done with the Doctrinal part of my Text, wherein you have heard your Charge, and how it hath been proved by Scripture and Argument, to be your indispensible Duty.

We come now to the Applicatory part; as it is my Message from the Lord, and my Duty as I fear the Lord; and I must be faithful in it too, lest while I pres you to yours, I forget or neglect my own: for this Take heed in my Text is my Rule and Injunction as well as yours; I must do it, and shall: I fear God.

APPLICATION.

I. In the Name of God to you, the *Many*, that are hither come, and have no farther busines, then to be lookers on at this time, and to observe the transactions of the several Courts, without much awe of Gods presence upon your Spirit, or due respect to Magistracy or Justice.

I. Be it known unto you (where you are) believe it, and receive it for a truth, That Magistracy is an Ordinance of the great God, for the good of Mankind: take heed therefore that you resist not nor murmur against it; but obey it, and submit unto it for the Lords sake, lest ye be found fighters against God, and suffer as evil doers, bringing upon your own heads damnation. *Submit yourselves, saith the Apostle, to every ordinance of man for the Lords sake: for so is the will of God; and in so doing, you do well.* 1 Pet. 2. 13 3. 15. God will not endure you, if ye will not

1. To the
Many.

D endure.

endure that which he hath ordained. Rom. 13. 2.
Whosoever therefore resisteth, resisteth the Ordinance of God; and they that resist shall receive to themselves damnation: whether you be great or small, few or many.

2. To you that desire to live quietly and honestly in the world, and to keep a conscience void of offence toward God & Man, let this be for your comfort and encouragement in so doing. the Magistrates are your Guardians, and the Law your Protection. *Rulers are not a terror to good works, but to the evil.* Rom. 13. 3. if you do well, and walk within compass: if Rulers fear God, they must preserve the innocent. The Law was not made for a righteous man, to condemn or vex him; but for the wicked, to punish them. If thou do evil, or mean to be wicked, you must expect to smart by it. 1 Tim. 1. 8, 9, 10. as there, so in this case with us. The law is good, if it be used lawfully: knowing this, that the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and for sinners for murderers and man-slayers, for whoremongers, for liars, for perjured persons, &c. to curb and to condemn such. But this is for the sake of the Good also, that good Laws and good Magistrates are ordain'd, that these might not be wronged, that they may live quietly. Take heed therefore that ye walk circumspectly, not as fools, but as wise: take heed ye do no ill, but well; so shall ye not only be protected, but praised.

3. To all you that have heard what a strict charge the Judges lie under, and that as they fear God, and must answer for it, if they perform not their duty

as

*A culpa cum
filiis innoxii, non
est illi ob-
noxii.*

as they ought, both for finding the Offences, and executing right Judgement impartially; Let it be for terror to you that lie under any guilt, though not yet discovered, or that have wicked designs in hand not yet brought to the birth. Know, that if you be brought to the Judgement-seat, your wickedness shall be found out, and your punishment must be according to your fault; you may not expect to escape by any means: be afraid, for he beareth not the sword in vain; for he is the minister of God to execute wrath on him that doth evil, Rom. 13.4. And let me tell you that are guilty of murder or theft, of perjury or blasphemy, of adultery or fornication, of oppression or false accusation, or of any other crime or misdemeanor condemned by the Laws of God, or just Laws of the Land; that though for the present your faults lie hid, while the faults of others are discovered; yet know, that your hiding is but a sorry security for your life or liberty; your secrecy from the eye of man, and protection from the stroak of Justice to be executed by man; and so ye are not afraid: yet consider with trembling, that the all-knowing Judge, the great God, hath discovered you already, he needs no Informer, you are all bound over to that great Affre, where he sits in Judgement immediate. *The counsels of the heart are* ^{1 Cor. 4.5.} *not hid from him: for there is nothing hid that shall not be discovered, nor covered that shall not be made known.* For God will bring into judgement every secret thing. It ^{Eccle. 12.14.} is but a little while, and God will call us all to an account, for what we have done, and for what we should do, and have not done; how we have acted

2 Cor. 5.10.

Heb. 10.31.

upon the stage of this world : For we must all appear before the judgement-seat of Christ, that every one may receive the things done in his body, & every one must bear his own burthen, according to that he hath done. Then, Sirs, what will become of the wicked, the unjust and the ungodly ? where shall they appear ? shall not the wicked be turned into Hell ? O what a fearful thing it is for wicked men to fall into the hand of the living God ! when he is angry, he is a consuming Fire.

Take heed therefore what you do, that you do nothing against God and his Laws ; for though man may not find you out, God will ; & who can protect you ? therefore if you have done foolishly, repent, and do so no more. So much for the first Use, to you that (it may be) thought your selves not much concerned in this business.

II. Now my next business is to you who are more nearly concerned in the work of this Court of Justice ; lift up your ears, and attend to your Charge, and take heed you do your Duty.

1. To those that have Causes and Suits depending.

I. A few words of caution and advice to you that have or may have any Causes or Suits to be tried and determined ; take heed what you do : if two be at variance about any thing, the right lies but on one side, one must be in the wrong : lay not claim to that which of right belongs not unto you. And in case you be ignorant of the Cause, see (if you please) your Counsel, and tell him truly how it stands with you ; and that you would not stand in an evil or wrong Cause: make not your Cause better then it is, but tell him the truth, that you may

may proceed or desist as your Cause is good or bad.

Well, if you fear God, you will not hire him to advocate in a wrong Cause, to pervert Judgement, and abuse the Judge: take heed you do not.

But if you will go to Law right or wrong; know, and be sure, though you may prevail here, you shall be cast at the High Court of Appeal for poor wronged Ones in another World. Contend not in or for any thing here on Earth, which you dare not appear with before God. And if this be seriously considered, many Men might let fall their Suit, which they know is not just and right. And if you must to Law, take heed you hire not Witnesses, or tamper with them, to make them speak and swear for you falsely. O the guilt of false witnessing and perjury will be on your Souls, as well as theirs, take heed what you do in this Case also.

2. If the matter in controversie and Suits commenced be about words and brawlings, (as too many be) why, for shame, be not common Barrators; let not your weakness appear so in publick. Is there not a wise man among you at home, where you dwell, to take up the dispute, and moderate your passions; but you must be at a great charge and pains, to be laughed at, and counted fools for your labour, and made the common talk and recreation of the standers by? Why, Friends, if you are so unhappy as to have such frivolous controversies, will you usher up your heats of passion to this Court? O be not such Fools as to publish it on the house-top; 'tis too much you have done, to enter

on.

on a controversie of such a nature ; be not so brutish to persist in your errors.

O that Judges would sharply reprove such clamorous and contentious Spirits, and all those that dare appear to plead for contentious persons. If there be any such among you, let fall your Suits, and follow Christes counsel : *Agree with thine adversary quickly, while thou art in the way with him, Mar. 3. 25.*

Christes coun-
sel for ending
Law-causes.

2. To those
that are come
for witnesses.

To you that are Witnesses in any Cause depending, or against the Prisoners at the Bar ; take heed what you swear, and take heed you speak the truth, and nothing but the truth, without fear, favour, hopes of gain, or malice. I'll give you in these two or three Scriptures your caution and direction, *Exod. 23. 1. Thou shalt not raise a false report : put not thine hand with the wicked, to be an unrighteous witness.* Add to this the ninth Commandment, *Exod. 20. 16. Thou shalt not bear false witness.* Thou wilt not, if thou fearest God, either forge a falsehood against any, nor maintain a falsehood, bearing witness : see *Prov. 19. 5. A false witness shall not go unpunished, and he that speaketh lies shall not escape.* For if you do, the Judge may finde you out, and punish you ; but if he do not, to be sure God will. And if there be any amongst you, that are come with false accusations or slanders, *ye are of your father the devil, who was a lyer from the beginning, an accuser and slanderer, Rev. 12. 9, 10. his works ye do, and wages ye will undoubtedly have.* Take heed of false accusations and slanders : whose life is safe, whose estate or livelihood secure, if thou make no conscience of this ? *Accuse humanly, Luk. 3. 14. 3. p. whis-*

John 8. 44.

and excep-
tion.

whisper not any accusation against another wrongfully, neither to pleasure such as seek occasion against one, nor to blast him, or expose him to wrong.

3. To the Jurors: you are returned to succour your Country, and serve the designs of the Corr. It is expected you should be men of sound heads and honest hearts, men of conscience and parts; that you fear God, and understand your Duty. The lives and estates of men are much in your power; the Law hath committed it to your Verdict. Now if you go about this business carelessly, partially, or give up your blinde consent to your Fore-man, without weighing seriously the proofs and directions, you may and will wrong the truth, shame your selves, blemish the care and discretion of them that returned you for good men and honest; abuse the Judge, spoil a good Cause, cause the guilty to suffer, and the guilty to escape; dishonour God, wrong your Country, and ruin your own Souls.

Take heed therefore what you do, and do according to your Oath; let the fear of God be upon you; you are Jury-men, be not perjur'd men: you come to the Court, and are sworn, O do not go away from it for-sworn men. Alas, when you come home, what will you do with those Oaths, which will set your consciences? Take heed what you do, and be diligent, wise and impartial, and that you do as good men should do that are under an Oath.

4. I have not many words to them, because there are not many of them within hearing: it seems it is

4. To the
Counsel and
Lawyers.
not

not their manner, to leave their Market to follow the Judges to a Sermon.

Well, you that are here, if you be capable of a little good counsel for your selves, who pretend to give so much to others, Take heed what you do. Do you fear God indeed, as you pretend, and will you plead in any Cause you know God disowneth? are not you to plead for the Lord, as well as the Judges to judge for God? have you a dispensation to speak as you please for your own advantage, right or wrong? may you speak against the truth and right, as well as for the truth? God is the great Patron of truth and innocence, and dare any of you plead against it, that would not be found against God?

The Apostle Paul, going about to make it manifest to the *Corinthians*, that he and the other Ministers of Christ were not Reprobates, this is one of the Arguments he useth, 2 Cor. 13. 8. *For we can do nothing against the truth, but for the truth.* And have you power to do and plead against the truth? Take heed you be not found

David makes it one Petition in his Prayer, That he might be delivered from a lying lip, and deceitful tongue. O Sire, take heed you wrest not judgement; the Law of God for you is this, ~~that~~ thou shalt not speak in a cause to decline after many to wrest judgement; and he that justifieth the wicked, be he never so great or rich, or for whatever advantage, or he that condemneth the just, be he never so poor or friendless, both are to God an abomination.

And

Psal. 120. 2.

Exod. 23. 2.

Prov. 17. 15.

And if you know aforhand, that the cause you plead for be bad, and that you speak against be good, and yet will bend your strength, wit, Oratory, and interest in your Judge, to defend the Bad, and overcome the Good; A good man, that fears God, would not be in your Gown, with your conscience, for all the money in your purses, nor reputation you have for master-skil in the Laws. Sirs, Men are emboldened to do wrong, and dare do it the rather, because they, the worst of the worst of them, can finde some to defend them among your robe. But to you I have to say, Take heed, God sees you, and knows what you speak, and what you design. Consider that of *Tully*; he would have *A good Orator, a good man also: Vir bonus, as well as dicendi peritus.* I remember what somewhere I have read of *Justus Jonas*, that famous Lawyer, what was said at his death, for all his great skill in the Law:

*Quid juvat, innumeros scire atq; evolvere casus;
Si facienda fugis, si fugienda facis?*

This man knew well, and did ill: and what will it profit a man to gain much of the world by his skill, and lose his soul at last? *Prudentius* hath this severity against all those which use their wit and interest to wrong ends:

*Vae captiosis, sycophantarum strophiis:
Vae verisipelle astutie.* Hymn in
Indelius.

I shall give it no other English then what I finde in the Prophet *Isaiah*, *Wo unto them which call evil good, and good evil; that put light for darkness, and darkness for light; that put bitter for sweet, and sweet for bitter. Wo unto them that are wise in their own eyes, and have no wit to do evil.* Take heed what you do: let the fear of God be upon you, and restrain your tongues from evil, and lips from

E guile,

guile, and hands from bribes, if you mean to see good days, and be blessed in another world, 1 Pet. 3. 10, 11 101

5. To the High-Sheriff.

Sir, besides your presence and Guards for the quiet securing the Reverend Judges in the discharge of their Duties, and due Administration of Justice ; you are to see to it, that faithful sober men, able and honest, be returned from the several Quarters of the County, to serve upon the several Juries ; which, 'tis presumed, you have done, as you fear God. Besides, you are to see to your under-Officers ; you must take heed you allow not any of *Gebizi's* Acquaintance in your service : neither you, your man, nor man's man, must take a bribe, nor wrong any. But the main thing I would intreat of you, and let me prevail with you, if you fear God, take heed to yonder poor Prisoners, take care of them ; I mean not, lest they should escape your chains, and break your bolts ; I suppose there is good care taken for that, as there should be too : But, Sir, for the Lord's sake, and in tendernels to their poor Souls, provide for their instruction. Some now in your custody, it may be, must die for their crimes ; others may escape with their life, and yet as unfit to live, as others to die : now the request is, that they who are for death, may (as much as possible) be fitted for death ; and those for life, fitted to live better. Do that for them and to them, which hitherto hath not been done to any purpose by any before you (as their business) in this County, (but you have a good exemplar for it in the City) prevail with some conscientious men, that love the Souls of the poorest wretches, to deal with the Prisoners condemned, most seriously and feelingly, that poor condemned wretches may not go hence to another world, without some Soul-convi-

ction and repentance. Do this as you fear God, and have compassion on poor Souls, and settle it in your time.

And now, my Lords the Judges, and you the rest of the Bench, who are by your places to act for the weal of the publick : *Suffer me but a little ; for I have yet to speak (as Elihu in Job) on Gods behalfe.*

Do ye fear God ? if you do not, you are not worthy your places, nor fit to rule ; and if you fear God, you must and will act and judge for God, for Religion, for his Servants ; and you will act against all persons and things which are against God and his Laws.

If you would have God honour you with his presence of approbation and protection, you must honour him by your zeal for his Cause. And if God honour you not, your titles of *Right Honourable*, and *Right Worshipful*, will do you little good.

There are two things especially you must aim at, if you mean to shew your selves for the Lord, and well-fare of the people : you must take care, and do what you can, and as soon as you can, while the prize is in your hand, lest you be found tardy ;

1. *To root out all manner of vice and wickedness.*

2. *To promote and maintain Godliness, and all things thereto belonging.* For by these two, either a Nation is made or mar'd. *Righteousness exalteth a nation, but sin is a reprobation to any people,* Prov. 14. 34. And for this end are Magistrates set up over Nations, *to root out evil, and to build and plant goodness,* Jer. 1. 10.

If you give not a check to wickedness, you encourage it ; if you encourage not good, and be examples of it, *peccare cum patet, iacet, Sca.* your selves, you check and suppress it : if it be in your power to hinder vice, or punish it ; to promote godli-

6. To the
Judges & the
rest in Com-
mission.

Job 36. 2.

1 Sam. 2. 38.

Tunc quisque
est, quantum in
apud Deum.

Qui tarda facie-
dit noluit, Sca.
de Benef.

enjus manus ness, and reward it: & if for all this, you will not do the
et prohibeat, one nor other, you may be accounted by God as access-
et agi, si non sary to the evil; and unprofitable Servants, as to the im-
hibet admis- provement of the Talent God hath entrusted you with,
Salvian de ovidentia. to do good withal. If you cannot change the hearts of
videntia. wicked men, you may restrain their hands, and bind up
mpunitas an- their lusts, that they break not out so fast. If you can-
m parit anju- not promote godliness, sobriety and righteousness, as
excessum Bern. you would, do it as much as you can; and you will do
le Confid. more then many: for though some speak it fair, yet
lib.4. do it little service; wish well to goodness, but do no-
thing for it. Now if you fear God, you must do it; take heed and do it. You have good Laws, have you
Virtus a surgere not, against drunkenness, perjury, blasphemy, thiev-
non potest ubi ing, idleness, swearing, &c. and if you have but as
victum libero. much zeal and courage to put them into execution, as
passu committatur. you have power in your hands to do it, vice should not
in a so over-top, and carry all before it. Did you but take
in a care that those Laws made against the profanation of
in a the Lords day, and against revilers of the Ministry
in a and Ordinances, were but duly executed upon Offen-
in a ders, vice should not so jet it uncontroll'd. I know not
in a where on earth to sue for redress of these, & many the
in a like grievances, if not from you, who are entrusted
in a with the civil sword of Magistracy: and will you bear
in a the sword in vain, and not so much as draw it out for
in a a terroure to evil works? 'Tis possible, by the Laws,
in a you may hang up some few Sheep-stealers, Pilfere's
in a and High-way-men, for the value of 6 or 7 s. but have
in a you no law to punish those that rob God, and the souls
in a of poor people? will not Blasphemy, and counter-
in a feiting Christ and his Gospel, bear an action in your
in a Court? is there no Law against spiritual thieving, and
in a false

false coyning? Well, if the Laws of men be defective herein, the Laws of God are full enough: and if you forbear to shew your selvies full of dislike as to all wickednes, spiritual as well as bodily; yet God is a jealous God, and will meet with you and them all one day, and wickedness shall not go unpunished: for God will do it, if you do not.

O the despite that is done every day to the precious truths of God, by men of corrupt judgements! how insolent they are, because they may! how do some earnestly contend against the *faith once delivered to the saints*, while all men should contend for it? how quickly would the Gospel & Kingdom of our dear Lord Christ be destroyed, if Christ had no more care of his Church then men have? O Sirs, this is not the least of your concernment, to do what you can to suppress those that suppress Christ, and the truth of Christ. You know you are to judge for the Lord, and to look to his honour: and is the Gospel of Christ, and its free Dispensation, of no concerment to God, you, or the Nation? Are the glad tidings of Peace, Reconciliation and Salvation to the poor lost world, such ill news, that it must be permitted to be contradicted and blasphemed? Is the Ministry of this Dispensation such an eye-sore and burthen to the world, that it must be cast out of protection, and exposed to the dirt, drivel, foam and rage of the very scum of vain, deluded and prophanè wretches, and our persons exposed to violence, wrong, calumny and reproach of the vilest men, only because of our Office and Calling, which we know (though they will not) that 'tis of God? Why may we not have the benefit of good Laws, as free-born we are as any of you, and I could magnifie our Office too: and must

must we of all men be deprived of the priviledge of English Men and English Laws, because we are Ministers? Do you not see how the poor Clergy are vexed? and he is a sorry fellow now a days, that can- not reproach, molest and undo a Minister. Do you not see how they are abused, as *David's Messengers* he sent in kindness to visit *Hanan*, and to comfort him? but ill was their entertainment, very barbarous their usage: *Hanan took David's servants and shaved them, and cut off their garments in the midst*, 1 Chron. 19. 2, 4. even so it is now with the servants of Christ in the Minis- try, sent to the world with tidings of the dearest love, and surest peace, with tenders of rich mercies. And this is all the harm we mean to do, (if we can) to bring your Souls to Christ, and acquaintance with God: yet how are we used for this our labour of love? why, we are made the laughing-stock of the Profane, and the contempt of the Mighty; and too often 'tis, that we must be judged by those that hate our Office and Order: is not this for a lamentation?

² Cor. 5, 20.

Sirs, will you judge our distreſs, and right us, if you can? be not ashamed nor afraid to do us open right, when others are not afraid to do us open wrong. If any of us be an evil doer, let him suffer, spare him not: but if we are like to suffer for Christ's sake, if you love Christ, you cannot but relieve us, and right our wrong, and suffer us not to be abused! Will you take heed and do it? But if you will not for all this, remem- ber it was a *Gallio* which cared for none of these things: but he that was a man after Gods own heart, did re- venge the wrong done to his servants.

¹ Chron. 19. 8.

2. There is one grievance more you must help this County in, and rid the Country of, those innumerable Pest-

Best-houses, we mean the Tipling-houses, that pierce the whole Nation, and ruine whole Families; the very bane of their neighbourhood, the ulcers of a Commonwealth, the Devils Nurseries! In them you have Gods sacred Name blasphemed, his creatures abused; there you have the contentions of wicked men and lewd, these confederacies and combinations are entered into; there your plots are laid for thievries and robberies; thence you have your Goals filled, and so many Families impoverished; and must these be tolerated? Sirs, you that are the standing Magistrates of the County, will it be for yorr honour (thank you) to give license to such? so many? *Some* (you say) *there must be*: but why so many? If you tolerate no more then need, there need not one of them who there are; and if some inconveniences must be minded at, why not as few as may be? Well, if you mean not to suppress them, let this be granted, That their Signs may be set up, that men may know what is to be found within, and whether Ale-house-haunting doth determine, let these Moors be on their Signs, and over their Doors: Here you may buy Drunkenness and disgrace at a deere rate: More you may learn the way to the Stocks, the Gaol, the Gallows, and to Hell, nothing in earth has, joy or od grief: O that you would do the County a little right in this, while you are met together; and put some period to the incaske of them at least, if not to their extirpation: take heed and do it, and to some purpose let it be done, or else you will leave sadness upon the hearts of good people that fear God among us, when they shall see that God is still dishonoured, and that Magistrates have so little concernment for it.

And now (to conclude) my Lords the Judges, and you

you the rest in Commission; seeing 'tis in your power
 to relieve us; let me beseech you, for the Lord's sake,
 for your own sakes, for the Countries sake, and the sake
 of all that fear the Lord among us, to do something to
 purpose against wickedness and its instruments; and
 something for godliness. I am the more encouraged
 to speak unto you, because of the expectation we have,
 and the knowledge we have of your zeal and justnes.
 I must let you know, that if you do not something this
 way, you disappoint many that are looking after it
 from you. Now as you fear the Lord, leave among us
 some vestiges of your justice and goodness; and be sure
 you lay the ground of future reformation, as well as
 execute justice, as to the emergent Causes before you;
 that so you may give us cause (when you are gone) to
 bless God for you, that you were here; and to love and
 honour you, as many as fear God; and give some cause
 to the wicked to fear you; let them see that you bear not
 the sword in vain. Give us some cause to say with glad-
 ness, We had (I'll take leave to use your names) Hales
 and Crook, those good men and just among us; and that
 on March 22, began good Discipline and Reformation
 to take rise in our County. O what an honour would
 this be to you, and what a comfort to us. Therefore
 in the Name of the Lord, ye Judges, Take heed what ye
 do: for ye judge not for man, but for the Lord, who is with
 you in the judgement. Wherefore now let the fear of the Lord
 be upon you, take heed and do it: for there is no iniquity with
 the Lord our God, nor respect of persons, nor taking of gifts; and
 ye shall have an answer hereafter. I beseech you to
 give me this book, Glory to God alone. I beseech you to

